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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,720	05/31/2006	Reinhard Weiberle	10191/4272	7923
26646	7590	05/11/2010	EXAMINER	
KENYON & KENYON LLP			BURCH, MELODY M	
ONE BROADWAY				
NEW YORK, NY 10004			ART UNIT	PAPER NUMBER
			3657	
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			05/11/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/549,720	WEIBERLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Melody M. Burch	3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 9, 10 and 12-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 9 and 13-16 is/are allowed.  
 6) Claim(s) 10 and 12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 September 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of each sensor being directly connected to two wheel braking modules as recited in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Examiner notes that figure 2 of the instant invention shows each sensor being connected to two wheel braking modules via electrical line 12 as described by Applicant in paragraph [0021]. The figures and the description suggest that the sensors are indirectly connected to the wheel braking modules.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. See the 112<sup>1<sup>st</sup></sup> rejection below.

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The originally filed specification fails to provide support for the added limitation of each sensor being directly connected to two wheel braking modules associated with opposite lateral sides of the vehicle as recited in claim 10. See the 112 1<sup>st</sup> rejection below.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The originally filed disclosure fails to provide support for the limitation of each sensor being directly connected to two wheel braking modules associated with opposite lateral sides of the vehicle as recited in claim 10.

Examiner notes that figure 2 of the instant invention shows each sensor being connected to two wheel braking modules via electrical line 12 as described by Applicant in paragraph [0021]. The figures and the description suggest that the sensors are indirectly connected to the wheel braking modules by way of the electrical line. Claim 12 is rejected due to its dependency from claim 10.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art figure 4 in view of US Patent 6540309 to Jordan et al. and US Patent 5086499 to Mutone.

Admitted Prior Art figure 4, as modified, is silent with regards to the one of the second communication device and the third communication device being configured identically with respect to connections to the at least four wheel-braking modules as the first communication device.

Jordan et al. teach in the figure the use of an electronic braking system in which the a second communication device 8 being configured identically with respect to connections to at least four wheel braking modules as a first communication device 7.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the communication device arrangement of Admitted Prior Art figure 4 to have included a second communication device configured identically with respect to connections to the at least four wheel braking modules, as taught by Jordan et al., in order to provide a fault tolerant system for improved reliability and safety.

Admitted Prior Art figure 4, as modified, shows each sensor being directly connected to at least one wheel braking module, but is silent with regards to each sensor being connected directly to two wheel braking modules associated with opposite lateral sides of the vehicle.

Mutone teaches in the figure the use of each sensor 241 and 242 being connected to each module 17 and 18 as shown in the figure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the outputs from each sensor of Admitted Prior Art, as modified, to have been connected to each wheel braking module, in view of the teachings of Mutone, in order to provide a means of redundantly detecting and cross checking data as taught by Mutone in col. 1 lines 55-68 for further improving product reliability. Examiner notes that such a modification would result in each of the sensors S1-S4 being connected to each of the modules including modules associated with opposite lateral sides of the vehicle on the same axle.

***Allowable Subject Matter***

6. Claims 9 and 13-16 are allowed.

### ***Response to Arguments***

7. Applicant's arguments filed 1/26/10 have been fully considered but they are not persuasive with regards to claims 10 and 12. Applicant argues that APA, as modified, fails to teach the claimed limitation of each sensor being directly connected to two wheel braking modules associated with opposite lateral sides of the vehicle on the same axle. Applicant particularly argues that the positioning of Mutone's I/O racks 17 and 18 is merely graphical and that the I/O racks are not wheel braking modules on opposite lateral sides of a vehicle on the same axle. Examiner notes that APA shows each sensor "directly" connected via an electrical line 12 to at least one wheel braking module. Mutone is used solely for the teaching of having each sensor (241, 242) be "directly" connected via an electrical line to each module (17, 18) of the system. Examiner notes that employing such a teaching to the brake system of APA would result in each of the sensors S1-S4 being connected to each of the modules in the APA brake system which would include modules associated with opposite lateral sides of the vehicle on the same axle. Examiner further notes that since Applicant uses the open-ended transition term "comprising", the miscellaneous sensor-to-module connections resulting from the combination based on the Mutone teachings are not precluded by the claim language. Accordingly, the rejections have been maintained.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb  
May 9, 2010

/Melody M. Burch/  
Primary Examiner, Art Unit 3657